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THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO :17603 of 2005

DATED:16-08-2005

Between:

K.Suri Babu

..... PETITIONER

AND

1. The Superintending Engineer, Operation,

APEPDCL, Rajahmundry and 2 others

.....RESPONDENTS

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HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO:17603 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the non-consideration of

the representation of the petitioner for being posted as a Foreman Grade I, Amalapuram, which is nearer to Mummidivaram where the petitioner is said to have been taking treatment for his ailment.

2. It is stated that the petitioner was originally working as Senior Line Inspector from which post he was promoted and posted as Foreman Grade-I at Dwarapudi, Mandapeta Mandal, East Godavari District. It is further stated that during the service of the petitioner under the respondents 1 and 2, he did not make any request for any posting at any particular place. However, as the petitioner is suffering from serious ailment, he has been taking treatment at Rajahmundry, and as similar facilities were available at Mummidivaram, the petitioner sought for transfer to the nearest place. But instead of considering the case of the petitioner in a vacancy that had arisen at Amalapuram, the third respondent who has been promoted from the post of Line Inspector to Senior Line Inspector was accommodated showing him against the post of Foreman. Therefore, the petitioner has come up with the present writ petition.

3. When this matter came up for admission on 10-08-2005, it was adjourned to today directing the Standing Counsel to get instructions. On instructions, the learned Standing Counsel stated that the representations made by the petitioner are devoid of merits and the petitioner is not entitled as he was posted at Dwarapudi, upon considering his request, when he was promoted from the post of Senior Line Inspector to the post of Foreman Grade-I.

4. However, the learned Standing Counsel was not able to show the grounds how he could justify the posting of the third respondent even on promotion from the post of Line Inspector to the Senior Line Inspector by counting his vacancy against Foreman Grade-I on the premise that there is no vacancy to accommodate the third respondent as Senior Line Inspector.

5. At the time of hearing, the learned counsel for the petitioner represented that the third respondent has been accommodated for the last 18 years at

Amalapuram itself, more so, even in the absence of any vacancy for him to be posted as Senior Line Inspector.

6. Heard both sides and considered the material on record.

7. The writ petition is disposed of, at the admission stage itself, directing the respondents 1 and 2 to consider the case of the petitioner for posting him at Amalapuram, where there is a clear vacancy of Foreman Grade-I against which the third respondent is counted though he is holding only the post of Senior Line Inspector. The respondents 1 and 2 are directed to pass appropriate orders on the representation of the petitioner considering his case giving reasons, if his case is rejected as to the circumstances under which he could not be posted at Amalapuram, within a period of two weeks from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

16th August, 2005

SKM